

### **REMARKS**

By entry of this amendment, claims 1-6, and 8-26 are currently pending in this application. Claims 1-6, and 8-20 have been rejected. Claim 7 has been canceled. In view of foregoing amendments and following remarks, the Applicants request reconsideration and a notification of allowance of the Application. The following remarks are substantially the same as those submitted in the Request for Reconsideration filed April 28, 2008.

In a telephone discussion with the Examiner held on May 8, 2008 and as reiterated in the Advisory Action dated May 13, 2008, the Examiner asserts that one of skill in the art would be able to modify the applied prior art to provide any time period, whether the time period be one day, one hour, one minute or one second. Applicant respectfully disagrees that such a division of time periods would not be obvious to one of skill in the art for the reasons set forth below. However, in order to expedite prosecution, Applicant has amended the claims to recite additional features that are not disclosed or suggested by the applied prior art.

### **CROSS REFERENCE TO APPLICATION CLAIMING RELATED SUBJECT MATTER**

The Applicant would like to bring to the Examiner's attention commonly-assigned, co-pending U.S. Patent Application Serial No. 10/740,859 assigned to Art Unit 3962. An Information Disclosure Statement citing documents from that application is included with this submission.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

#### **CLAIMS 1-10, 12 and 15-20**

Claims 1-10, 12 and 15-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rosenwald (US Patent No. 6,038,550) in view of Lipshutz (US Publication No. 2003/0120566) and further in view of Schultz (US Publication no. 2001/0056391). Applicant respectfully traverses.

Claim 1 recites, *inter alia*:

(a) ***in response to fluctuations in an account balance of the bank account, setting, by an intra-day interest account management system, balance determination times for the account, the balance determination times corresponding to a plurality of points in time within the span of a single***

**day** at which respective net account balances are to be used in an interest calculation for the account;

(b) **determining the balances for the account for the balance determination times;**

Rosenwald does not disclose setting the balance determination time based on fluctuations in the account balance as recited in independent claim 1.

Applicant respectfully submits that Rosenwald can not be modified as suggested by the Examiner without destroying Rosenwald's principle of operation.

As the Examiner is aware, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

Applicant respectfully submits that neither Rosenwald, Lipshutz or Schultz, either individually or in combination, disclose or suggest the features recited in Applicants independent claim 1. Claim 1 defines over the applied prior art, and is allowable. Dependent claims 2-6 and 8 depend from claim 1 and are allowable as well.

Claim 9 recites, *inter alia*:

(c) receiving a specification of **a plurality of points in time** for determining corresponding account balances for use in calculating an interest on the bank account, wherein the points of time correspond to a plurality of times within a single day **and are determined by an intra-day interest account management system in response to fluctuations in an account balance of the bank account;**

(d) **for each of the points in time**, determining a corresponding account balance, the account balance at a given point in time at least partly depending on the value time;

Based on the above remarks made with respect to claim 1 above, the applied prior art does not disclose or suggest the highlighted features. Claim 9 defines over the applied prior art, and is allowable. Dependent claims 10 and 11 depend from claim 9 and are allowable as well.

Claim 12 recites a system comprising, *inter alia*:

A processor coupled to the memory to execute the instructions, the instructions comprising:...

- (c) receiving a specification of ***a plurality of points in time*** for determining corresponding account balances for use in calculating an interest on the bank account, wherein the points of time correspond to a plurality of times within a single day ***and are determined by an intra-day interest account management system in response to fluctuations in an account balance of the bank account;***
- (d) ***for each of the points in time,*** determining a corresponding account balance, the account balance at a given point in time at least partly depending on the value time;

Based on the above remarks made with respect to claim 1 above, the applied prior art does not disclose or suggest the claimed features. Claim 12 defines over the applied prior art, and is allowable. Dependent claims 13 and 14 depend from claim 12 and are allowable as well.

Claim 15 recites, *inter alia*, a system comprising:

a processor coupled to the memory to execute the instructions, ...the instructions comprising:

- (a) ***in response to fluctuations in an account balance of the bank account, setting, by an intra-day interest account management system,*** balance determination times corresponding to a plurality of points in time within the span of a single day at which respective net account balances are to be used in an interest calculation for the account;
- (b) ***determining the balances for the account for the balance determination times;***

For at least the same reasons as for claim 1, the applied prior art does not disclose or suggest the features claimed in claim 15. Claim 15 defines over the applied prior art, and is allowable. Dependent claims 16 and 17 depend from claim 15 and are allowable as well.

Claim 18 recites, *inter alia*, a computer readable medium comprising:

- (a) ***in response to fluctuations in an account balance of the bank account, setting, by an intra-day interest account management system,*** setting balance determination times for the account, the balance determination times corresponding to a plurality of points in time within the span of a single day at which respective net account balances are to be used in an interest calculation for the account;
- (b) ***determining the balances for the account for the balance determination times;***

For at least the same reasons as for claim 1, the applied prior art does not disclose or suggest the features claimed in claim 18. Claim 18 defines over the applied prior art, and is allowable. Dependent claim 19 depends from claim 18 and is allowable as well.

Claim 20 recites a computer readable medium comprising, *inter alia*:

(c) receiving a specification of a plurality of points in time for determining corresponding account balances for use in calculating an interest on the bank account, wherein the points of time correspond to a plurality of times within a single day ***and are determined by an intra-day interest account management system in response to fluctuations in an account balance of the bank account;***

Based on the above remarks made with respect to claim 1 above, the applied prior art does not disclose or suggest the claimed features. Claim 20 defines over the applied prior art, and is allowable.

#### **CLAIMS 11, 13 and 14**

Claims 11, 13 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rosenwald (US Patent No. 6,038,550) in view of Lipshutz (US Publication No. 2003/0120566). Applicants respectfully traverse.

Claim 11 is dependent from claim 9. Claim 9 was rejected under the combination of Rosenwald (US Patent No. 6,038,550) in view of Lipshutz (US Publication No. 2003/0120566) and further in view of Schultz (US Publication no. 2001/0056391). The Office admits that Rosenwald does not disclose all of the features of claim 9 and that Lipschutz does not overcome that deficiency. See page 6 of the Office Action. Accordingly, claim 11 defines over the applied prior art.

Claims 13 and 14 are dependent from claim 12. Claim 12 was rejected under the combination of Rosenwald (US Patent No. 6,038,550) in view of Lipshutz (US Publication No. 2003/0120566) and further in view of Schultz (US Publication no. 2001/0056391). The Office admits that Rosenwald does not disclose all of the features of claim 12 and that Lipschutz does not overcome that deficiency. See page 6 of the Office Action. Accordingly, claims 13 and 14 define over the applied prior art, and are allowable.

### **New Claims 21-26**

New claims 21-26 recite an additional level of detail that is neither disclosed nor suggested by the applied prior art.

Consider claim 21, it recites:

wherein the ***plurality of points in time*** are defined as ***a plurality of intervals of arbitrary length of time within a single day***.

The applied prior art does not disclose or suggest the above highlighted feature in combination with the features recited in Applicant's independent claim. Accordingly, claims 21-26 are allowable.

### **CONCLUSION**

Applicant requests that the previous rejections of claims 1-6, and 8-20 be withdrawn, and an indication of allowable subject matter be issued in response to this submission.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,



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